

**REGULAR MEETING  
CITY COUNCIL  
December 7, 2006**

**ROLL CALL:**

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MRS. COLLIER, MR. CAMPANA, MS. MAHAR DERGURAHIAN,  
PRESIDENT BAUER

ABSENT: MR. KROGH

**Ordinance No.** 1 **Date** December 7, 2006

**Introduced by Council Member** Bauer

**At the request of** Administration **Seconded by** Ryan

**ORD. #1**

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO TRANSFER FUNDS WITHIN THE GENERAL  
FUND BUDGET LINES**

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The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule "A" entitled:

**December 2006 Budget Amendment**

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, November 16, 2006

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David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

**SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION**

Ordinance No. 2 Date December 7, 2006  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by McGrath

**ORD. #2**

**ORDINANCE AMENDING THE 2006 GENERAL FUND CITY BUDGET  
 TO ACCEPT A GRANT FOR THE PURPOSE OF A NEW TRUCK FOR THE TROY POLICE**

**“MOUNTED” HORSE PATROL FROM THE  
 NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2006 City General Fund Budget is hereby amended to accept NYS DCJS grant fund revenue and modify appropriations within the 2006 Police Department Operating Budget as provided in Schedule “A” entitled:

**“Mounted Patrol Truck Grant”**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, November 16, 2006

\_\_\_\_\_  
 David Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

**SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION**

Ordinance No. 3 Date December 7, 2006  
 Introduced by Council Member Wojcik  
 At the request of Administration Seconded by Dunne

**ORD #3**

**ORDINANCE AMENDING THE TROY CITY CODE BY EXTENDING THE  
 MORATORIUM ON THE ESTABLISHMENT, ENLARGEMENT AND/OR EXTENSION OF  
 SEXUALLY ORIENTED BUSINESSES**

The City of Troy, in city Council convened, ordains as follows:

Section 1. Section 285-67 of City Code shall be amended by extending a new Paragraph I, which was added by the City Council in January 2005, to read as follows:

- I. Notwithstanding any other provision of this code to the contrary, no new adult entertainment or adult retail establishment, selling or advertising adult (pornographic) products or content, shall be allowed within the City limits, nor shall any existing adult (pornographic) entertainment or retail establishment be: re-opened after being closed for six consecutive months, altered, opened, enlarged or extended in any degree or capacity, nor shall any non-conforming use be changed to an adult establishment through the duration of this moratorium. This moratorium shall be effect until December Thirty-First, Two-Thousand Seven (December 31, 2007).

Section 2. This ordinance shall take effect immediately.

Approved as to form, November 19, 2006

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 Date December 7, 2006  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Collier

ORD. # 4

**ORDINANCE DETERMINING THAT THE RECONSTRUCTION OF CERTAIN SIDEWALKS  
 CONSTITUTES A LOCAL IMPROVEMENT  
 PURSUANT TO 9.05 OF THE CITY CHARTER**

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The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 9.05 of the City Charter, the reconstruction of the sidewalks described in Schedule "A" entitled:

"City of Troy, New York  
 Homeowner Sidewalk Improvement Program"

Which is attached hereto and made a part hereof, are hereby determined to be local improvements. The cost of such improvements shall be borne by the abutting property owner.

Section 2. Upon receipt of the final estimate for such local improvements, the City Assessor shall prepare and file an assessment roll pursuant to the provisions of Section 9.10 of the City Charter for confirmation by the City Council.

Section 3. Assessments for such local improvements shall be payable in ten (10) equal annual installments, but may be paid in full at any time by the property owners. Installments shall carry interest at the rate of six percent (6%) per year. An additional 1.5% per month penalty shall also accrue against any late payments.

Section 4. This ordinance shall take effect immediately.

Approved as to form,

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David Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date December 7, 2006  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Dunne

**RES. #1**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE TWO(2) EASEMENTS FOR THE BENEFIT OF TROY LIVING, LLC TO ACCOMMODATE THE RECONSTRUCTION OF “THE CONSERVATORY” LOCATED AT THE CORNER OF STATE STREET AND THIRD STREET**

WHEREAS, Troy Living, LLC purchase the former Stanley’s building on the corner of State and Third Streets with the intention of renovating the entire structure, and

WHEREAS, Troy Living, LLC intends to renovate the entire structure, with retail on the first floor, parking on the basement and apartments on all floors above the retail space, and

WHEREAS, Troy Living, LLC intends to name the building “The Conservatory” upon the completion of the renovation, and

WHEREAS, Troy Living, LLC requires the two(2) Easements, attached hereto and made a part hereof, in order to facilitate financing to complete the reconstruction of the entire building, and

WHEREAS, the Mayor desires to grant the two (2 ) easements with the desired outcome of total renovation of the entire structure now known as “The Conservatory.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Mayor to execute the two(2) Easements, in substantial conformance with the two Easements attached hereto and made a part hereof.

Approved as to form, November 19, 2006

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date December 7, 2006  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by McGrath

RES. #2

**RESOLUTION RECOMMENDING AN AMENDMENT TO THE POLICIES AND PROCEDURES OF THE CITY OF TROY ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM AND THAT THE TROY LOCAL DEVELOPMENT CORPORATION ADMINISTER SUCH PROGRAM**

WHEREAS, the Office of Economic Development currently provides staff support services to the Troy Economic Development Assistance Program (EDAP) loan review committee and to the Board of the Troy Local Development Corporation (TLDC), a non-profit economic development affiliate of the City of Troy that administers the Troy Main Street Program and other economic development initiatives in the City; and

WHEREAS, both the loan review committee and the Board of the TLDC engage in similar activities relative to evaluating funding requests and making determinations on the feasibility of projects; and

WHEREAS, there is a need to expand the project eligibility criteria and to mitigate the duplication of staff activities related to the implementation of these programs, and to streamline and expedite the application review and approval process for each of these programs.

NOW, THEREFORE, BE IT RESOLVED, that the TLDC will administer the EDAP resulting in a more efficient delivery of program services.

Approved as to form, November 17, 2006

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 David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date December 7, 2006  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Dunne, Wojcik

**RES. #3**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CROW DISPERSAL  
 AGREEMENT WITH RENSSELAER COUNTY**

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WHEREAS, The City of Troy and Rensselaer County Department of Health require the services of wildlife damage management services specifically for the crow population within the City of Troy, and

WHEREAS, The USDA/APHIS-WS statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426c) as amended for the Secretary of Agriculture to cooperate with States, individuals, public and private agencies, organizations and institutions in the control of wild mammals and birds injurious to agriculture, horticulture, forestry, animal husbandry, wildlife and public health and safety, and

WHEREAS, The USDA/APHIS-WS has provided to the Rensselaer County Department of Health a contract with a work plan outlining a timetable and activities for crow management, and

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Mayor to execute the crow dispersal agreement in substantial conformance with that which is attached hereto and made a part hereof.

Approved as to form, November 19, 2006

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 Date December 7, 2006  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Collier

**RES. # 4**

**RESOLUTION APPOINTING COMMISSIONER OF DEEDS**

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BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, December 1, 2008

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David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 Date December 7, 2006  
Introduced by Council Member Bauer  
At the request of Administration Seconded by DerGurahian

RES. #5

**RESOLUTION IN SUPPORT OF THE NYSDOS COMBINED SEWER OVERFLOW  
SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM**

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**WHEREAS**, The City of Cohoes, The City of Watervliet, The City of Troy, The City of Rensselaer and the Village of Green Island herein called the "the City of Cohoes and the Co-Applicants", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that the Albany Pool Combined Sewer Overflow Long Term Control Plan Development- Management and Public Participation project, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

**WHEREAS**, the Shared Municipal Services Incentive Grant Program authorizes the City of Cohoes and the Co-Applicants to apply for funds for intermunicipal projects and the City of Cohoes and the Co-Applicants deem it to be in the public interest and benefit to submit an application to the Shared Municipal Services Incentive Grant Program for the 2006-2007 Program Year;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Troy, New York



1. That Harry J. Tutunjian, Mayor of the City of Troy, New York or such person's successor in office, is a representative authorized to act in behalf of the City of Troy in its status as Co-Applicant for \$473,293.00 to the Shared Municipal Services Incentive Grant Program for the 2006-2007 Program Year.
2. That any funds received for the Project from the Shared Municipal Services Incentive Grant Program 2006-2007 Program Year will be used to pay for contractual services to complete the Project.
3. That any funds received for the Project from the Shared Municipal Services Incentive Grant Program 2006-2007 Program Year will be used to reduce the obligation of all six "Albany Pool" entities (the City of Albany Water Board, the Cities of Cohoes, Rensselaer, Troy and Watervliet, and the Village of Green Island) on a percentage basis detailed in the Albany Pool Combined Sewer Overflow Long Term Control Plan Development Cost Allocation Agreement.
4. That any funds received for the Project from the Shared Municipal Services Incentive Grant Program 2006-2007 Program Year will be remitted, upon receipt of valid invoice, to the Capital District Regional Planning Commission for the payment of contractual services.
5. That the City of Cohoes and the Co-Applicants intend to contribute matching funds of 10% of the Project budget, up to \$52,589. The contribution of the City of Troy will be determined by the percentage basis detailed in the Albany Pool Combined Sewer Overflow Long Term Control Plan Development Cost Allocation Agreement. The matching funds from City of Troy will come from the account G8120-0414-0000.
6. That this Resolution takes effect immediately.

Approved as to form November 28, 2006

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David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 12-08-06 for Executive Action – Approved, returned 12-11-06**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by McGrath

Meeting adjourned at 7:39pm.